1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

activity that exists in the village: common labour and communal ceremonies and sacrifices, fights and wars in pre-European times, and tax-collection for the modern Native Administration. Tax-collection in the village has become a little ritual of its own, interesting enough to be described here. Some time before the N.A. lorry is expected from Bida on its periodical tax-collecting visits you will find the chief sitting in his house, or in a booth in the market, surrounded by the people who have come to pay their tax. The two or three head *ŋũsaši* will sit with him. The 'tax Mallam', who is attached to the Village Head as scribe and 'accountant', makes entries in his little book and is busy writing out tax receipts. Little heaps of coins pile up before them. On this day the normal routine of village life is interrupted: the men do not go to their farms and often forgo their midday meal at home, and even a ceremony that might fall in that time will be postponed until the 'tax ritual' has been concluded.

A large proportion of co-operative village work is done to-day by the order of the N.A.: the repair of a rest-house, the clearing of a motor-road, &c. But the concerted action of the village community is still as efficient in spontaneous, unsolicited work. I have seen the men of a village repairing a bush bridge leading to their farms a day or two after the news that it had been swept away by floods was reported to the chief. And although there exists to-day an efficient body of N.A. police, in an emergency it falls frequently enough to the people of a village to organize the pursuit of a criminal and to escort him to the District Head—a task which the young men at least undertake with efficiency and relish.

BALANCE OF POWER

To repeat: the village elders are the mouthpiece and the agents of the chief, through whom his orders reach the community; and they are also, in turn, the informants on whom the chief depends, and the mouthpiece of the people whom they represent both in their official capacity and as heads of kinship and local groups. Again we may call the chief a symbol of the collective identity of the village community, in the sense that, through his orders, he expresses its collective will and interests. Yet the degree of perfection which this political system, with its well-planned harmonious co-operation between chief and elders, attains in practice varies considerably. Autocratically inclined chiefs find means to evade the check on their power which an efficient council of elders implies. We have spoken of certain chiefs who appointed their friends and favourites to the position of titled elders in disregard of more legitimate claims, thus creating for themselves a personal following in the village council. I was told of chiefs who in the past have overridden the authority of the elders, levying tribute and refusing legitimate grants of land, until the elders appealed to the overlord of the country, the *Etsu* Nupe, against their overbearing ruler. If they failed to obtain the support of the king, my informants added, they would carry on as if there were no chief—go on strike, as it were. I have myself witnessed all variations possible in this fight for balance of power: an autocratic chief who

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

civil and criminal law, defined two classes of delicts: simpler delicts, which were settled by 'repairing' the damage that had been done, and here the Nupe did not speak of sentence or judgement but of *gyara*, reparation, or arbitration; and graver delicts, 'criminal' cases in the modern sense, which called for formal judgement and punishment—*sheri'a*. The following table summarizes the various crimes and offences according to this twofold classification. Let me emphasize that these data are widely known, and that every village elder or older man in Bida is able to enumerate and explain the types of offences and the nature of the punishment. This wide-spread legal knowledge is clearly the psychological counterpart of the systematic co-ordination and centralization of Nupe jurisdiction.

Offences involving *gyara*	Offences involving *sheri'a*
Debts, small.	Debts, large.
Theft on a small scale and during the day; theft of fowls, sheep, and goats.	Theft on a large scale, theft of cattle or horses, and all theft committed during the night.
Adultery.	Adultery leading to fights and bloodshed.
Seduction of girl by unmarried man who is willing to marry her.	Seduction by married man who refuses to marry the girl.
	Murder and manslaughter.
	Highway robbery.
	Arson.
	High treason, i.e. rebellion of feudal lords against the king.
	Lèse-majesté (*gi tokó nyá tsu*, lit. abuse of the king).

The first type of offences was a matter for the local authority. In the royal domains it was dealt with by the chief and the elders, in the fief by the delegate of the feudal lord who resided in the village, in consultation with chief and elders. The sentences which this local tribunal could inflict were fines, flogging, and *shelá*, a practice closely akin to pillory: the culprit was marched through the village accompanied by drummers who proclaimed his offence.

The graver crimes, crimes which demanded *sheri'a*, were referred to the central authority—the court of the king and *Alkali* in Bida. They were, in fact, also called *leifi nyá tsu*, 'crimes of the king'. This highest court of Nupe could inflict sentences of every order, above all, the death penalty. The offences were brought to the notice of the central authority through the feudal lords and delegates. The villagers would report to their overlord in the town, or the feudal lord would have the news from his local delegate, and would then inform the supreme court of Nupe. The criminal was apprehended by the king's slave police and taken to the capital where the court was sitting. This system which made the feudal lords and delegates the 'recorders' of crimes and offences laid itself open to many abuses. The feudal lords could be influenced in favour of a better paying claimant, or prevented by bribes from reporting a particular case. The usual procedure as regards, for example, theft or debts was described to me thus: Up to the value of 10s. nothing

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

would happen: 'you give the *egba* half this sum, he will quash the case, and you will still have a profit of 5*s*. Of course, if a larger sum is involved this is not so easy, such an amount is difficult to hush up, and too many people would know about it.'

The judicial procedure in the capital followed, till recently, two different principles: the *sheri'a gboró*, 'straight judgement', for pagans, and the *sheri'a nya kurani*, 'judgement according to the Koran', for Mohammedans. The former represented the 'customary law' of the country, which would do justice to the local pagan customs; it also implied the oath on the sacred objects of pagan Nupe, especially the chain of Tsoede. The latter followed the written Mohammedan law and implied the oath on the Koran. Punishment of ordinary criminals was performed in the capital, on the open market—be it flogging, *sheld*, or capital punishment. In the case of political offences and in the case of men of rank, royal princes, or members of the high nobility, the execution took place under the cover of night and in the secrecy of their own houses. Whether this 'preferential' treatment expressed a last privilege granted to the ruling classes or whether such secrecy was thought to uphold the morale of the feudal kingdom I cannot say.[1]

All the various crimes and offences listed in our table became actionable only when there was a plaintiff. The state itself did not undertake to prosecute unless it was appealed to first by a person bringing a charge against some other person—with one exception: the crime *lèse-majesté*. The widespread knowledge with regard to this crime and its punishment in districts and groups which certainly never came into personal contact with the king precludes the assumption that in this case, too, the legal executive waited for a concrete charge being brought by the plaintiff in question, i.e. the king. Rather we must assume that the crime became actionable in an absolute sense, whenever and wherever it was committed, provided that witnesses of the act existed. Whether the information about the crime reached the central authority through private information or denunciation, or through the official channels of delegates and sub-delegates, I cannot say; but the important fact is that here the state took the initiative in prosecuting the offender. We have here the instance of an indictable offence in the modern sense of the word—a legal definition unparalleled in any known primitive system of law.

In this comprehensive and strongly centralized jurisdiction the political system of Nupe achieved its strongest hold over the peoples of the kingdom. Here the co-ordination of morality, the uniformity of cultures of which we have spoken, is secured by the most effective weapon, the coercive machinery of state jurisdiction. We possess certain evidence which shows that this comprehensive co-ordination was achieved gradually, and that the political system extended its judicial

[1] I have referred already to the ancient, pre-Fulani, judicial organization of the *ledu*, the 'King's Hangmen', who lived in villages on the Niger and there, far from the king's town, executed the criminals who were condemned to death (see p. 73). It is interesting to mention here certain stories current in Bida which record that the *ledu* organization was still used in the time of *Etsu* Usman against rebels of royal blood, who were imprisoned in Girugi, the *ledu* town closest to Bida.